

CITY OF HORSESHOE BAY

BUILDING PERMIT ORDINANCE AMENDMENT

ORDINANCE NO. ORD 07-10-16D

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS AMENDING ORDINANCE NO. ORD 06-04-18D, BUILDING CODE ORDINANCE, ADOPTED APRIL 18, 2006, TO ADD AUTHORITY TO ISSUE BUILDING PERMITS AND CONDUCT INSPECTIONS IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) BY AMENDING ONE OF THE WHEREAS CLAUSES, BY AMENDING SECTION 1.2, PURPOSE; SECTION 1.3, SCOPE; THE DEFINITION OF CITY, ADDING A DEFINITION FOR EXTRATERRITORIAL JURISDICTION, THE DEFINITION OF JURISDICTION, SECTION 6.1 CODE ADOPTED, SECTION 6.2, PERMIT REQUIRED, SECTION 7.2, PERMIT REQUIRED, SECTION 8.2, PERMIT REQUIRED, SECTION 9.2, PERMIT REQUIRED, AND SECTION 10.2, PERMIT REQUIRED; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay (City Council) seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council finds that poorly constructed or maintained buildings constitute a nuisance and threat to the public health, safety and welfare; and

WHEREAS, the City Council seeks to protect the citizens of Horseshoe Bay from conditions hazardous to life or property in the occupancy of buildings and premises; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for a building codes governing and regulating residential and nonresidential buildings and structures within the City of Horseshoe Bay (City); and

WHEREAS, the City Council is authorized to regulate construction and prohibit nuisances pursuant to the City's general police powers and Texas Local Government Code Chapters 51, 54 and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the City Council is authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. ENACTMENT

(a) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, WHEREAS SECTION is hereby amended to include the following:

WHEREAS, the City Council finds it to be in the best interest of the public to provide for building codes governing and regulating residential and nonresidential buildings and structures within the City of Horseshoe Bay (City), and the City's Extraterritorial Jurisdiction (ETJ); and

(b) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 1.2, Purpose, is hereby deleted and replaced with the following:

1.2. Purpose

This Chapter is adopted so that the City Council may promote the public health, safety, morals and general welfare within the City and the ETJ through the regulation of certain construction activities.

(c) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 1.3, Scope, is hereby deleted and replaced with the following:

1.3. Scope

The provisions of this Chapter shall apply within the City Limits (i.e., incorporated municipal boundary), and the City's ETJ.

(d) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 2.2, Definitions, is hereby amended to replace the current definition of City with the following definition:

City: the City of Horseshoe Bay, Texas and its ETJ, and includes any designee who is appointed by the City Council to carry out the City's function.

(e) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 2.2, Definitions, is hereby amended by adding the following:

ETJ: shall mean the City of Horseshoe Bay's Extraterritorial Jurisdiction, as described in the Agreements with Llano County and Burnet County, dated January 23, 2007 and May 25, 2007, respectively.

(f) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 2.2 Definitions, is hereby amended by adding the following definition:

Jurisdiction: All references to "jurisdiction" in the codes adopted herein shall mean the City of Horseshoe Bay, located in Burnet and Llano Counties in the State of Texas.

(g) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 6.1, Code Adopted, is hereby deleted and replaced with the following:

6.1. Code Adopted

The City Council hereby adopts the "International Residential Code", 2003 edition, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in heights with separate means of egress in the City and the ETJ, as may be amended. Such document, as may be amended, is hereby adopted as the "Residential Building Code" of the City for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use or maintenance of one-and two-family dwellings and townhouses not more than three stories in height in the City, and providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, conditions and terms of such "International Residential Code", which is adopted and made a part hereof as if fully set out in this Ordinance. The Residential Building Code shall also include the certain Appendix Chapters as may be designated by the City Council.

(h) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 6.2, Permit Required, is hereby deleted and replaced with the following:

6.2. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the City and the ETJ without first applying for and receiving a permit. It shall also be unlawful to build within the City and the ETJ contrary to a permit that has been issued.

(i) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 7.2, Permit Required, is hereby deleted and replaced with the following:

7.2. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the City and the ETJ without first applying for and receiving a permit. It shall also be unlawful to build within the City and the ETJ contrary to a permit that has been issued.

(j) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 8.2, Permit Required, is hereby deleted and replaced with the following:

8.2. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the City and the ETJ without first applying for and receiving a permit. It shall also be unlawful to build within the City and the ETJ contrary to a permit that has been issued.

(k) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 9.2, Permit Required, is hereby deleted and replaced with the following:

9.2. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the City and the ETJ without first applying for and receiving a permit. It shall also be unlawful to build within the City and the ETJ contrary to a permit that has been issued.

(l) Ordinance No. 06-04-18D, Building Code Ordinance, Code Adopted, Section 10.2, Permit Required, is hereby deleted and replaced with the following:

10.2. Permit Required

It shall be unlawful for any person to build residential buildings or structures within the City and the ETJ without first applying for and receiving a permit. It shall also be unlawful to build within the City and the ETJ contrary to a permit that has been issued.

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ADOPTED AND APPROVED on this 16th day of October, 2007 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

**/S/
Robert W. Lambert, Mayor**

Attest:

/S/
Toni Vanderburg, City Secretary